

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

JERELL MARSHON JACKSON, JR.,

Plaintiff,

v.

TODD E. GOODWIN, *et al.*,

Defendants.

Case No. C22-5959-JCC-SKV

ORDER GRANTING IN PART
PLAINTIFF'S MOTIONS TO EXTEND
TIME

This is a prisoner civil rights action proceeding under 42 U.S.C. § 1983. Plaintiff has submitted to the Court for consideration two motions for extension of time seeking a 90-day extension of all pretrial deadlines. *See* Dkts. 53, 55. In his first motion, filed on July 26, 2024, Plaintiff indicated that the requested extension was necessary because, as of that date, he had yet to receive requested video footage relevant to his claims and he had yet to receive answers to his interrogatories. *See* Dkt. 53. Plaintiff also indicated that he had located witnesses, apparently through earlier discovery produced by Defendants, from whom he wished to obtain statements.¹

¹ Plaintiff also expressed concern in his motion about Defendants having been terminated from this action. *See* Dkt. 53 at 2. It appears Plaintiff is referring to the Court's docket sheet which identifies all defendants who have been named in Plaintiff's various pleadings, some of whom are identified as having been terminated with a corresponding date of termination. The "terminated" designation refers to individuals who were not identified as defendants in succeeding versions of Plaintiff's complaint. The

1 *See id.* In his second motion, filed on August 5, 2024, Plaintiff acknowledged having received
2 two DVDs containing video footage on August 1, 2024, but indicated that the video footage still
3 needed to “be viewed and studied.” Dkt. 55. Plaintiff also noted that there was still discovery
4 outstanding and that he was still attempting to obtain witness statements. *Id.*

5 Defendants oppose Plaintiff’s request for a 90-day extension of time, as they deem the
6 extension unwarranted. *See* Dkts. 57, 58. Defendants note, with respect to Plaintiff’s desire to
7 obtain witness statements, that the names of the witnesses were contained in a document
8 produced by them on or about March 1, 2024, and that Plaintiff could have coordinated with
9 counsel to conduct interviews with individuals not named as parties. Dkt. 57 at 2. Plaintiff,
10 however, apparently did not do so. Defendants also note, that in addition to providing the videos
11 on August 1, 2024, they also provided timely responses to most of Plaintiff’s discovery requests
12 by August 5, 2024. *See* Dkts. 58, 59. Defendants acknowledge that as of the date they filed their
13 responses to Plaintiff’s motions a small amount of discovery remained outstanding but was
14 expected to be provided to Plaintiff by August 23, 2024. *See* Dkt. 58 at 2. Finally, Defendants
15 acknowledge that though they deem the requested extension unwarranted at this stage of the
16 proceeding, they also understand that a great deal of discovery has been provided to Plaintiff and
17 it may feel overwhelming to him to get through it. *See* Dkt. 57 at 2; Dkt. 58 at 2.

18 At the time Plaintiff filed his initial motion for extension time, there were still three days
19 remaining in the discovery period and many of Defendant’s responses to Plaintiff’s discovery
20 requests had not been provided and were not provided until after the discovery deadline had

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23 active defendants are those individuals named in Plaintiff’s second amended complaint, which is the
operative pleading in this action. *See* Dkt. 15. Any individual named as a Defendant in a prior version of
Plaintiff’s complaint but not named as a Defendant in Plaintiff’s second amended complaint is deemed
terminated.

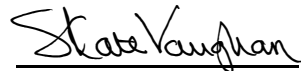
1 passed.² Defendants have now filed a motion for summary judgment, consistent with the pretrial
 2 deadlines previously established by the Court. (*See* Dkts. 39, 63.) While Plaintiff has not shown
 3 good cause to conduct additional discovery, the Court deems it appropriate to grant Plaintiff
 4 some additional time to review the discovery he has received, and to obtain the witness
 5 statements he appears to be seeking, before filing a response to Defendants' summary judgment
 6 motion. The Court deems 90-days an excessive amount of time, but the Court is willing to grant
 7 Plaintiff a more modest extension as set forth below.

8 Based on the foregoing, the Court hereby ORDERS as follows:

9 (1) Plaintiff shall file any response to Defendants' motion for summary judgment not
 10 later than ***November 8, 2024***. Defendants' motion for summary judgment (Dkt. 63) is RE-
 11 NOTED on the Court's calendar for consideration on ***November 15, 2024***.

12 (2) The Clerk is directed to send copies of this Order to Plaintiff, to counsel for
 13 Defendants, and to the Honorable John C. Coughenour.

14 Dated this 5th day of September, 2024.

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17 S. KATE VAUGHAN
 18 United States Magistrate Judge
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 23 ² Defendants properly filed most of their responses within 30 days of having received Plaintiff's discovery requests, but the requests themselves were received by Defendants less than 30 days before the discovery deadline passed. *See* Dkt. 59, Ex. 1.